

**United States District Court  
Southern District of New York**

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1:07-cr-00757-RJS

United States of America,  
Plaintiff  
- against -  
Timothy Archer,  
Defendant

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**MOTION TO DETERMINE  
ELIGIBILITY FOR COURT  
APPOINTED COUNSEL  
PURSUANT TO CRIMINAL  
JUSTICE ACT**

Defendant respectfully moves the court to determine that he is eligible for representation pursuant to the Criminal Justice Act for purposes of appeal.

Dated: March 20, 2008  
New York, New York

**MEMORANDUM**

Defendant was sentenced by this court on March 5, 2008, to 66 months imprisonment; judgment on the sentence was entered March 14, 2008.

Undersigned counsel was retained by defendant. As a result of legal and travel expenses incurred by defendant to date, defendant is now without sufficient funds to retain further legal services for purposes of appeal.

Defendant is currently held at the Brooklyn Detention Center. The undersigned has requested the legal department at that facility to have defendant fill out and execute a CJ23 form and to forward it to the court.

In the interim, a notice of appeal will be filed by the undersigned

Respectfully submitted,

/s/ Thomas P. Kurt

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Thomas P. Kurt  
Attorney at Law  
610 Adams St.  
Toledo, Ohio 43604  
ph: (419) 241-5506  
fax: (419) 243-4920

**CERTIFICATE OF SERVICE**

A copy of the foregoing Motion was this March 20, 2008 served upon plaintiff United States of America by operation of the court's ECF.

/s/ Thomas P. Kurt

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Thomas P. Kurt  
Attorney at Law

